

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 1-7-02

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Dentistry

By: Rhonda Pope Stephens
Deputy Attorney General
(973) 693-5056

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF	:	
HIEP P. NGUYEN, D.M.D.	:	Administrative Action
License No. DI 018316	:	
	:	CONSENT ORDER
LICENSED TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a patient complaint alleging that Hiep P. Nyugen, D.M.D. ("respondent") failed to conform to standard dental practice in the State of New Jersey.

The inspection report of May 16, 2001 in this matter suggested that the continued practice of dentistry by respondent would present a clear and imminent danger to the public health, safety and welfare and thus would constitute a basis for temporary suspension or limitation of licensure pursuant to N.J.S.A. 45:1-22.

More specifically, the inspection report demonstrated that the respondent's dental office was then maintained in an unsanitary condition. The report further revealed and the Board found that a

consistent pattern of unsanitary conditions existed in many areas of the office constituting repeated acts of negligence pursuant to N.J.S.A. 45:1-21(d) and professional misconduct pursuant to N.J.S.A. 45:1-21(e).

A recent inspection conducted by the Division of Consumer Affairs on August 1, 2001, revealed that respondent's office was currently maintained in an sanitary condition.

The Board finds that the respondent has now taken the appropriate steps to remedy all unsanitary and unsafe conditions that previously existed in respondent's dental office.

It appearing that the parties have agreed to a resolution of this matter and without recourse to formal proceedings and the Board finding that the within Order is adequately protective of the public health, SAFETY, and welfare, and for good cause shown;

IT IS ON THIS 14th DAY OF December, 2001.

ORDERED THAT:

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22 in the amount of \$2,500.00 for conduct with respect to his failure to maintain a satisfactory level of cleanliness in his office. Payment of the civil penalties of \$2,500.00 shall be submitted to Kevin Earle, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 no later than thirty (30) days from the

entry of this Consent Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

2. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$2,812.78. Payment for the costs shall be submitted by certified check of money order made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days for the entry of this Consent Order. Payment shall be sent to Kevin Earle, Executive Director, Board of Dentistry, at the address above.

3. Respondent shall contract with a cleaning service and submit proof of the contract to Kevin Earle, Executive Director, Board of Dentistry, at the address above.

4. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt.

5. Respondent shall successfully complete seven (7) hours of continuing education in infection control. These courses shall be completed within six (6) months of the entry of the within Consent Order. Further, these courses, which are in addition to the regularly required continuing education hours, shall be approved by the Board in writing prior to attendance. Respondent also shall be required to complete the attached continuing education Report and Proof of Attendance as proof of successful completion of the required course work. The attached forms are made a part of the within Consent Order, and a separate form is to be used for each course.

6. Random and unannounced inspections of respondent's office may be conducted by the Board's designee at the Board's discretion and at the expense of the respondent. The cost of each such inspection shall be based on the standard hourly rate for the Board's investigators prevailing at the time of the inspection and shall be due and payable within thirty (30) days of the respondent's receipt of a statement of such costs from the Executive Director of the Board. The inspections provided for herein shall be conducted in a reasonable manner so as not to disrupt the treatment of patients.

7. Respondent hereby consents to the entry of an Order of automatic temporary suspension of licensure barring him from further practice without notice, upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions herein, including, but not limited to, falling below the standard of accepted dental sanitary practice at said office.

8. The respondent shall have the right to apply for removal of the automatic temporary limitation on two (2) days notice but in such event shall be limited to a showing that the conditions at said office did not fall below the standard of accepted dental sanitary practices at said office.

9. Failure to comply with any of the terms of this Consent Order may result in further discipline.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Emil Cappetta
Emil Cappetta, D.M.D.
President

I have read and understand the
within Consent Order and agree
to be bound by its terms. Consent
is hereby given to the Board to
enter this Order.

Hiep P. Nguyen
Hiep P. Nguyen, D.M.D.

12/14/01
Date

Letter received by regular mail on 12/7/01